

Re: Upper Animas Trip - Martin requests

Sabrina Forrest to: Steven Way, Martin Hestmark, Ostrander.David

09/14/2010 02:22 PM

From: Sabrina Forrest/R8/USEPA/US

To: Steven Way/R8/USEPA/US, Martin hestmark, Ostrander.David@epa.gov

Cc: Johanna Miller/EP/R8/USEPA/US@EPA

All, See below for information related to Martin's requests. There is a bit to chew on, but I wanted to share all this since Martin won't be driving with us.

For Thursday, I recommend we meet in the Grand Imperial lobby at 830. Martin will enjoy breakfast with his family, but if David and Steve want to meet me for breakfast, let's meet at 730. The Grand Imperial will not be serving breakfast, so we can walk to the Brown Bear, or across the street to the San Juan Grill (if open).

Sincerely,

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Steven Way---09/14/2010 08:44:15 AM---Sabrina, Martin and spoke this morning, and he has some request for today.

From: Steven Way/R8/USEPA/US

To: Sabrina Forrest/R8/USEPA/US@EPA

Date: 09/14/2010 08:44 AM

Subject: Upper Animas Trip - Martin requests

Sabrina,

Martin and spoke this morning, and he has some request for today.

1. provide an Agenda for the day (Thursday)

Thursday Sept. 16th Agenda based on Peter Butler's email:

Animas River Stakeholders Group lead day of site tours in the Mineral Creek and Upper Cement Creek

drainages of the Animas River Basin. No regular ARSG meeting that evening.

Meet at 9:00 am at the large pullout on the west side of the highway at Chattanooga (south of Red Mountain Pass, below the steep section) where there are signs for the iron fens. We will visit a number of sites in the Mineral Creek drainage. What sites we visit will depend on weather, road conditions and the number of vehicles we have. Many of the roads into sites are narrow jeep roads, with limited parking and limited passing areas for traffic travelling in the opposite direction.

We will need people to bring four wheel drive vehicles, and we want to fill them with passengers to minimize vehicles.

Lunch will be in Silverton. We may try to get box lunches for a nominal fee, so we need people to RSVP.

The afternoon will be spent in Cement Creek looking at the Gladstone area and some remediated sites in side drainages depending on time. Unfortunately, it takes too long to visit sites in the Upper Animas drainage as well.

2. provide a copy of the 2003 MOU with the State - regarding the upper Animas : **All, I don't believe that the parties to the MOU ever followed through with Part II.**



San Juan MtnsMOU.pdf

3. provide him our Cell phone numbers so he can coordinate during the trip. (We may be connecting in Ridgeway to go over to Rico.)

David Ostrander: 303-888-9906

Steve Way: 303-886-1640

Sabrina Forrest: 303-589-1286

Martin Hestmark: 303-518-9580

4. He wants to know what we're thinking about listing (what areas within the watershed above Silverton.)

First off EPA should recognize:

- the ARSG has done alot of great work over the years and made progress in dealing with many mining impacts in portions of the watershed,
- that it is good they want to be part of some creative solution in the Cement Creek or other areas of the watershed; even if that includes active water treatment (although they hope without the huge volumes of sludge to deal with).

Side Notes: As with Penn Mine/Peru Creek, there are significant volumes of waste rock piles in Cement Creek (guessing over 40,000 cubic yards from the 5 big sources); however, the drainage from 4 adits (3 collapsed) and the American Tunnel, will likely be the larger issue that will need addressed to impact water quality in a significant way.

I don't believe the ARSG will have the ability to take on any sources in upper Cement Creek because:

- liability due to the water associated with them,
- they don't want to admit, but recognize that several of the sites have PRPs and that EPA/BLM will be involved in those,

- the ARSG has no funds outside of 319 grants and other support we and the State have given them (but they want to be a leader in Good Sam).

Unlike the Snake River Task Force, the ARSG is not opposed to water treatment at all, nor is the BLM. BLM has mentioned being able to bring funds to bear for American Tunnel discharge, but does not want to be responsible for O&M. BLM is game for doing PRP searches and getting enforcement actions going where they would be beneficial and is in agreement with EPA that continued water quality degradation is not okay and that our agencies have a responsibility to do something. CDPHE has mentioned that State-lead remedial actions might be a possible approach for some of the watershed. CDPHE manages the \$4 Million ASARCO trust.

Regarding listing: I don't think EPA should limit ourselves, but presently:

- targeted listing could focus on characterizing sources in upper Cement Creek and getting draining mines under control.
- the drainage from 5 sources in Cement Creek appear to have the largest impact on the Animas River below Silverton, as measured from A72, the TMDL compliance point. A72 is about 10 stream miles downstream of Gladstone and about 1 stream mile below the town of Silverton.
- We may need to remind some that EPA is responsible for and has authority to address releases and potential releases on and from private lands, and that EPA is the lead on some of the projects.
- We may also need to remind the ARSG that the 1996 informal undocumented agreement between Bill Yellowtail and the ARSG indicated that as long as water quality was being improved, Superfund would not be the tool brought out of the tool box. Since water treatment stopped in Gladstone in 2005, degradation has been occurring.
- An HRS package has not been done and the existing source and pathway data are from the late 90s and data quality are unknown. If we want to put an HRS package together, up to date source and pathway data are needed. EPA does see the value in doing a Site Reassessment to characterize Cement Creek sources and the surface water pathway.

5. Is there a plan for a "meeting" during/after the tour that Martin needs to be able to address any specific questions about EPA plans.

This whole day is planned to be informal, and I did not hear back from any of the CDPHE or BLM staff that I emailed regarding a post-tour meeting. We should be prepared to chat with others for a bit after the tour.

Specific EPA plans in San Juans: (Interestingly, the ARSG always refers to work in upper Cement Creek/Ross Basin as "BLM" work.)

- EPA should be prepared to talk about removal actions that Steve is doing at Red & Bonita and what he may be doing with BLM and other private interests at Mogul and Grand Mogul.

- I can talk about support that the Site Assessment and Brownfields program has given since 2005 in watershed-wide activities and the status of those;
 - 2005 - 2010: Targeted Brownfields Assessments at Gladstone for San Juan County in support of the ARSG. County, with their attorney explored ways to create a special district or some other entity for water treatment. The TBA evaluated options for treating metals laden waters and a High Density Sludge process was the best option (at the time) given the criteria the ARSG gave the EPA contractor.
 - 2005-2007: Targeted Brownfields Assessments at Rose Walsh Smelter, plus Brownfields Cleanup - cleanup complete; infrastructure late 2010 to 2011; first homes planned to be built 2011-2012.
 - 2007 - 2008: Additional EPA and BLM support via Office of Research and Development for Ionic Water Technologies' Rotating Cylinder Treatment System. It was effective, but may be best suited for lower flows, emergency backup, or "upset" situations.
 - 2009 - present: Ongoing routine water quality sampling from sources in Cement Creek and the USGS gauges in Silverton. This was initiated because there was very little data from upper Cement Creek and since water treatment stopped, and water flow from sources in the drainage has been increasing, all parties recognized the need to see how water quality was changing.
 - 2009: Listing viability data gap analysis - Likely NPL caliber areas, but more data are needed.
 - Planned for 2010 - 2011: Site Reassessment to fill data gaps.
- If we discuss NPL at all, we should indicate that EPA sees the remedial program as the tool that brings the largest amount to resources to bear that can comprehensively address the legacy mining issues and that we are not interested in keeping active mining interests from working in the watershed.
 - If listing/remedial is seen as the tool to use, more conversations with all concerned parties, especially local government and broad representation from community members, as well as the BLM, State, and the ARSG is needed to decide how best to get a comprehensive effort going to address the Animas' ongoing water quality issues.
- We can reiterate our desire to get away from water treatment in perpetuity, unless that is the only solution for a particular situation. I think we need to know much more about the Cement Creek hydrogeology before we can say that bulkheads, water treatment systems, or a combination of things are the solution to make the biggest improvement to Cement Creek's impacts to the Animas River.

Let's talk later,
Steve

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